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SEP 2 3 2004

WILLIAMS, MORGAN & AMERSON, P.C.

10333 Richmond Drive, Suite 1100, Houston, Texas 77042 phone: 713-934-7000 fax: 713-934-7011

DATE:	SEPTEMBER 23, 2004	
TO:	USPTO	TOTAL NO. OF PAGES INCLUDING COVER: %7
FAX:	703.872.9306	PHONE: 713.934.4053
FROM:	JEFFREY A. PYLE	10/756,869 DOCUMENT: RESPONSE TO
		NOTICE TO FILE MISSING PARTS
		2300.000600/AUS920031013US1

Attached:

- 1. Response to 37 C.F.R. § 1.53(f) Notice;
- 2. Declaration and Power of Attorney; and
- Copy of NTFMP-Filing Date Granted.

Jeffrey A. Pylej Attorney Williams, Morgan & Amerson, P.C. 10333 Richmond | Suite 1100 | Houston, TX 77042 Voice: (713) 934-4053 | Fax: 713-934-7011 email: jpyle@wmalaw.com

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SEP 2 3 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RICHARD J. DENATALE

Group Art Unit: 2

2641

Serial No.:

10/756,869

Examiner:
Conf. No.:

3402

Filed:

JANUARY 14, 2004

Atty. Dkt.:

2300.000600

ATTSOZ

AUS920031013US1 CUSTOMER NO.: 46240

For:

METHOD AND APPARATUS

EMPLOYING

ELECTROMYOGRAPHIC SENSORS TO INITIATE ORAL COMMUNICATIONS WITH A VOICE-BASED DEVICE

RESPONSE TO 37 C.F.R. § 1.53(f) NOTICE

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8		
DATE OF FACSIMILE:	September 23, 2004	
FACSIMILE NO.:	(703) 872-9306	
I hereby certify that this par Bateut and Trademark Office	per or fee is being feesimile to the United State to the fascimile in interpreted above.	

In response to the Notice to File Missing Parts of Application Under 37 C.F.R. § 1.53(f), dated July 23, 2004, there are enclosed herewith:

- (a) Declaration and Power of Attorney;
- (b) A copy of Notice to File Missing Parts of Application-Filing Date Granted.

The Commissioner is authorized to deduct the \$130.00 fee required under 37 C.F.R.

1.16(e) and any other fees required under 37 C.F.R. §§ 1.16 to 1.21 from the International

Business Machines Corporation Deposit Account No. 09-0447/AUS920031013US1. Should

any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the

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enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to International Business Machines Corporation Deposit Account No. 09-0447/AUS920031013US1. In the event the monies in that account are insufficient, the Commissioner is authorized to withdraw funds from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2300.000600.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C. CUSTOMER NO. 46240

Date: September 23, 2004

Jeffrey A. Pyle, Reg. No. 34,904

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ATTORNEY FOR APPLICANT(S)

Page 1 of 2



09:27

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Peters and Tradament Office Peters and Tradement SHONES FOR PAYENTS 00 E30-6430

APPLICATION NUMBER

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/756,869

FILING OR 371 (c) DATE 01/14/2004

Kevin B. Ambrose

AUS920031013US1

35525 IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333

DALLAS, TX 75380

CONFIRMATION NO. 3402 FORMALITIES LETTER OC000000013317329

Date Malled: 07/23/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The Item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filling a petition accompanied by the extension fee under the provisions of 37 CFR 1.138(a).

- The oath or declaration is missing. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.18(e) of \$130 for a non-small entity, must be submitted with the missing Items Identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

\$130 Late oath or declaration Surcharge.

Replies should be mailed to:

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

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Initial Patent Examination Division (703) 308-1202

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